IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO. 6211 OF 2004

Office Notes, Office Memoranda of of Coram, appearances, Court's orders and Registrar's orders : Court's or Judge's orders

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Mr. S.G. Kudle for the petitioner.

Ms. M.P. Thakur, A.G.P. for the respondent Nos. 1 & 2.

CORAM: H.L. GOKHALE &
J.H. BHATIA, JJ.

DATED: 7TH JUNE, 2006

P.C.:

1. Heard Mr. Kudle in support of this petition. The petitioner claims to be the daughter-in-law of the original allottee. The concerned family is having a fair price shop. She was also granted kerosene dealership. After the demise of the original licence holder, the petitioner applied for transfer of that licence to her name. The application came to be rejected inasmuch as at that point of time daughter-in-laws were not covered under the policy. That change in policy has come up on 20.2.2004 and clause 4(a) now includes daughter-in-laws for succession. The

original allottee had expired on 14.5.1999 but the revision application filed by the petitioner was pending before the minister when this change in policy came. Mr. Kudle therefore submits that the petitioner should have been given the benefit thereof.

2. In the alternative, however, Mr. Kudle submits that the petitioner is agreeable to make a representation in case the impugned order is not to be disturbed inasmuch as it will amount giving retrospective effect to the policy decision. Ms. Thakur appearing for the State is agreeable that in the event any such representation is made, the same will be considered and decided now on the basis of the changed policy. The petitioner may make a representation accordingly and the authority concerned will decide it within eight weeks from the date of the representation. The petition stands disposed of.

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(H. L. Gokhale, J.)

(J.H. Bhatia, J.)